



Driving progress
through partnership

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October 30, 2023

Via ECF

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 1660
New York, New York 10007

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Re: *Iacovacci v. Brevet Holdings, LLC, et al.*, No. 1:18-cv-8048-MKV; *Brevet Holdings, LLC et al. v. Enascor, LLC, et al.*, Civil Action No. 1:21-cv-01540-MKV

Dear Judge Vyskocil:

We write respectfully on behalf of Brevet Holdings, LLC in the above captioned matter ("*Iacovacci*"). When the parties were before Your Honor in June, Your Honor raised the issue of consolidating this matter for trial with the related case also pending before Your Honor, *Brevet Holdings, LLC et al. v. Enascor, LLC, et al.*, Civil Action No. 1:21-cv-01540-MKV ("*Enascor*"). Counsel for Enascor wrote Your Honor with dissenting views (*see Iacovacci* at Dkt. No. 379). The Brevet parties see the benefits of that consolidation (*see Iacovacci* at Dkt. No. 383).

This action is currently set for trial on January 16, 2024, and motions *in limine* are due one week from today. As the parties prepare for that trial, clarification of whether that trial will include the *Enascor* action will enable the parties to frame the pre-trial papers and motions accordingly.

Respectfully submitted,

Louis M. Solomon

The cases will not be consolidated for trial. In addition to the reasons provided in Plaintiff Iacovacci's letter at ECF No. 379, the Court also notes the pending summary judgment motions in the *Enascor* action [ECF Nos. 148, 150]. That action is thus not trial ready. SO ORDERED.

Date: 11/2/2023
New York, New York

Mary Kay Vyskocil
United States District Judge